



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

WEB COPY

W.P.(MD)No.12133 to 12139 of 2017

R.Calvin	...Petitioner in WP (MD) No.12133/2017
R.Viji Grace	...Petitioner in WP (MD) No.12134/2017
G.Suganthi Starlet	...Petitioner in WP (MD) No.12135/2017
D.Isravel Thankasamy	...petitioner in WP (MD) No.12136/2017
P.Santhi Mary	...Petitioner in WP (MD) No.12137/2017
A.Gabriel Chelladurai	...Petitioner in WP (MD) No.12138/2017
G.Mary Dharma Sheela	...Petitioner in WP (MD) No.12139/2017

Vs.

1.The Secretary to Government,
Department of Welfare of Differently Abled,
Secretariat,
Chennai-600 009.

2.The Principal Secretary/Special Commissioner
for the Welfare of Differently Abled
Social Resources and Training Centre,
Jawaharlal Inner Ring Centre,
K.K.Nagar,
Chennai 600 078.

3.The District Officer for the Welfare of Differently Abled,
Office for the Welfare Differently Abled,
Kokirakulam, Tirunelveli-627 001.

4.The Correspondent,
Florence Swainson Higher Secondary School for the Deaf,
Palayamkottai,
Tirunelveli-627 002.

...Respondents in all WP's

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to grant the B.Ed., scale of pay from 14.07.2009 to 31.03.2015 with all attendant, monetary benefits based on the representation and proposal made by the Corespondent of the school dated 21.03.2016, 04.07.2016, 15.09.2016 and 04.02.2017 within the time stipulated by this Court.



For Petitioner
in all petitions : Mr.F.Deepak

For Respondents
in all petitions : Mr.R.Karthikeyan
Additional Government Pleader
for R1 to R3

: Mr.S.Chellapandian
for R4

COMMON ORDER

The seven teachers working in the fourth respondent school viz., Florence Swainson Higher Secondary School for the Deaf, Palayamkottai, Tirunelveli District have filed separate writ petition, claiming a common relief for issuance of Writ of Mandamus directing the respondents herein to grant the B.Ed., scale of pay from 14.07.2009 to 31.03.2015 with all attendant, monetary benefits based on the representation and proposal made by the Correspondent of the school dated 21.03.2016, 04.07.2016, 15.09.2016 and 04.02.2017 within the time stipulated to be fixed by this Court.

2. Heard Mr.R.Karthikeyan, learned Additional Government Pleader, who takes notice to the respondents 1 to 3 and Mr.S.Chellapandian, learned Counsel for the fourth respondent.

3. The claim of the petitioners falls within a narrow compass. R.Calvin, who was qualified with B.Sc., B.Ed., further qualified with Senior Diploma in teaching the deaf. Therefore, he was appointed as a Junior Grade B.T.Teacher in the fourth respondent school as per the proceedings dated 28.10.2003. He was also given appointment to the Junior Grade B.T. Assistant in a regular sanctioned vacancy arising out of the retirement. Similarly six others also were appointed as Junior Grade B.T.Teacher in the fourth respondent school as per the proceedings dated 13.09.2006, 11.06.2007, 20.08.2008, 28.10.2003, 04.06.2004 and 07.11.2003 respectively. Considering their satisfactory performance, the fourth respondent School also has forwarded the proposal dated 04.07.2016 and 15.09.2016, to the Department of Welfare of Differently Abled for approval of their appointment.

4. Accepting the proposal, their appointments were approved by the second respondent dated 22.09.2005 in the post of Junior Grade Secondary Grade teacher instead of Junior Grade B.T.Assistant contrary to the orders of State Government. Further representations were forwarded to the official respondents informing that the necessary upgradation of post to be obtained from the State Government in respect of the upgraded post of Junior Grade B.T. Assistant. In response to that, it was informed



that proposals have already been forwarded and the same are pending.

5. Therefore, taking note of the fact that the petitioner are all appointed to the regular sanctioned vacancies in the fourth respondent school, this Court without going into the merits of the matter hereby directs the second respondent to consider the proposal made by the fourth respondent dated 15.09.2016 on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6. With the above directions, all the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to Government,
Department of Welfare of Differently Abled,
Secretariat,
Chennai-600 009.

2.The Principal Secretary/Special Commissioner
for the Welfare of Differently Abled,
Social Resources and Training Centre,
Jawaharlal Inner Ring Centre,
K.K.Nagar,
Chennai 600 078.

3.The District Officer for the Welfare of Differently Abled,
Office for the Welfare Differently Abled,
Kokirakulam, Tirunelveli-627 001.

+One cc to The Special Government Pleader, SR.No.68313

+7ccs to Mr.F.Deepak, Advocate, SR.Nos.63358, 63359, 63360, 63361,
63362, 63363 and 63364 of 2017

+One cc to Mr.S.Chellapandian, Advocate, SR.No.63402

tsg/ssl

RL/13C/3P/SKN/RSK/SAR1/19/7/2017